



New Sex Discrimination Act (Amendment) Regulations effective from 6 April 2008

The Regulations will introduce revisions to the Sex Discrimination Act in relation to the harassment provisions & maternity rights that employers should be aware of. These include:

- A revised definition of sex related harassment
- An imposed liability on employers for sex/sexual harassment where they knowingly fail to protect employees from repeat harassment by third parties
- Extended right of protection from pregnancy/maternity discrimination and for women with an expected week of childbirth on or after 5 October 2008 improved rights during maternity leave including eliminating the distinction between ordinary and additional types of maternity leave in relation to terms and conditions, as women will now be entitled to the same (non pay) benefits irrespective of the type of maternity leave they are taking.

Statutory Procedures and failure to follow

The recent case of Home Office v Khan and Another acts as a timely reminder of the importance of following the statutory grievance or disciplinary and dismissal procedures. Where the employer has failed to comply with the statutory requirements the Tribunal *must* increase any compensation awarded to the employee by 10% and *may* increase it by up to 50%. In the Khan case the Employment Tribunal applied a 25% uplift for the Home Office's failure to apply the statutory grievance procedure.

New Penalties for employing illegal workers

On 29 February 2008, we saw the introduction of a new statutory regime under the Immigration, Asylum and Nationality Act. The new measures apply to all employees recruited on or after 29 February 2008 and create a new criminal offence and civil penalty. Under the new criminal offence Employers who knowingly employ illegal workers face an unlimited fine and a maximum two year prison sentence. In addition to this under the new civil penalty Employers who negligently employ illegal workers face a maximum fine of £10,000 for each illegal worker they employ. Employers are advised to ensure that they have checked the eligibility of their staff to work in the UK by asking to see copies of certain documents and retaining copies of such for reference. The legislation sets out the documents that are deemed to be evidence of the individual's legal right to work in the UK.

ICE Regulations

From 6 April 2008, the Information and Consultation of Employees (ICE) Regulations will expand to cover organisations with 50 or more employees. Previously the rules have only applied to businesses with over 100 workers. The ICE Regulations give employees the right, subject to conditions, to request that their employer sets up or changes arrangements to inform and consult about issues in the organisation. The Regulations may result in the need to establish new arrangements for informing and consulting with your employees.

Corporate Manslaughter & Corporate Homicide Act 2007

The Corporate Manslaughter and Corporate Homicide Act 2007, comes into force on 6 April 2008 creating a new offence of corporate manslaughter which will allow an organisation to be prosecuted if the way in which its activities are managed or organised causes a person's death and amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased. A fatal accident resulting from gross failure by senior managers will carry an unlimited fine. Employer's are therefore advised to take immediate steps to ensure that health and safety practices and procedures are in place and reviewed to ensure that the organisation is fulfilling its duty of care to others.

Statutory sick pay and maternity pay increases

Statutory sick pay will increase to £75.40 per week from 6 April 2008. Statutory maternity pay will also increase to £117.18 per week. This increase will also apply to paternity leave and adoption leave payments.

For further advice and guidance on any of the topics above please contact your HR Consultant who will be happy to work with you to minimise the risks to your business.